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| APPLICATION NO. FILING DATE | | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|-----------------------------|------------|--------------------------|-------------------------|------------------|--------------|
| 09/937,193 | 02/12/2002 | | Hermann Kluth | H 4026 PCT/US | 6138 |
| 23657 | 7590 | 07/03/2003 | | | |
| COGNIS C | | | EXAMINER | | |
| 2500 RENA GULPH MI | | BLVD., SUITE 20 19406 | 0 | COONEY, | JOHN M |
| | | | | ART UNIT | PAPER NUMBER |
| | | | | 1711 | (3 |
| | | | DATE MAILED: 07/03/2003 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| • | Application No. | Anniconta | | | | | |
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| , , , , , , , , , , , , , , , , , , , | - | Applicant(s) | | | | | |
| Office Action Summary | 09/937,193 | KLUTH ET AL. | | | | | |
| Office Action Summary | Examin r | Art Unit | | | | | |
| The MAILING DATE of this communication and | John m Cooney | 1711 orrespondence address | | | | | |
| The MAILING DATE of this communication app ars on the cover sheet with the correspondence address Period for Reply | | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status | | | | | | | |
| 1) Responsive to communication(s) filed on | | | | | | | |
| 2a)☐ This action is FINAL . 2b)⊠ This | s action is non-final. | | | | | | |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims | | | | | | | |
| 4) Claim(s) 19-34 is/are pending in the application. | | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | | |
| 6)⊠ Claim(s) <u>19-34</u> is/are rejected. | | | | | | | |
| 7) Claim(s) is/are objected to | | | | | | | |
| 8) Claim(s) are subject to restriction and/or | election requirement. | | | | | | |
| Application Papers | | | | | | | |
| 9)☐ The specification is objected to by the Examiner. | | | | | | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | | | |
| Applicant may not request that any objection to the | | | | | | | |
| 11) The proposed drawing correction filed on | | ved by the Examiner. | | | | | |
| If approved, corrected drawings are required in reply to this Office action. | | | | | | | |
| 12)☐ The oath or declaration is objected to by the Examiner. | | | | | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | | | | | |
| 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | | | | | | |
| a)⊠ All b)□ Some * c)□ None of: | | | | | | | |
| 1. Certified copies of the priority documents | | | | | | | |
| 2. Certified copies of the priority documents | | | | | | | |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | | |
| 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). | | | | | | | |
| a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | | | | | | |
| Attachment(s) | | | | | | | |
| Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. | | (PTO-413) Paper No(s) Patent Application (PTO-152) | | | | | |
| J.S. Patent and Trademark Office | | | | | | | |

Application/Control Number: 09/937,193

Art Unit: 1711

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-34 are rejected under 35 U.S.C. 102(b) as being anticipated by CA 2,147,543.

CA 2,147,543 discloses foams with improved fire retardancy containing isocyanates, propoxylated ethanolamine, oleic acid, triethanolamine, expanded graphite, as well as, other fire resistant additives which read on the filler containing foam preparations as claimed by applicants (see the entire document).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lutter et al. is cited for its disclosure of numerous additives in the foam arts.

Any inquiry concerning this communication should be directed to John m²Cooney at telephone number 703-308-2433.

rimary Examiner
Art Unit 1711